

**REGULAR MEETING of the Burrillville Town Council held Wednesday, June 23, 2010 at 7:00 P.M. in the Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**MEMBERS ABSENT: None**

**1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.**

**2. VOTED to accept the minutes of the special meeting held June 8, 2010 and dispense with the reading of said minutes.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**3. Public Comment: None**

**4. General Good and Welfare of the Town of Burrillville**

**Councilor John M. Karmozyn, Jr. commented on the High School graduation and the Middle School Fly Up ceremony, noting that both were very nice programs. Congratulations were extended to all students.**

**Councilor Norman C. Mainville announced a tribute to Rhode Island World War II Veterans, scheduled for August 18, 2010 at Rhodes on the Pawtuxet.**

**Councilor Kevin D. Heitke reminded people about June 26, 2010 Compost/Recycling Day at the Burrillville Farmers' Market.**

**Council President Nancy F. Binns talked about the proliferation and success of Farmers' Markets across the state.**

**Council President Nancy F. Binns reminded the Council of the June 30, 2010 workshop at 6:00 P.M. and the special meeting scheduled for 7:00 P.M.**

**5. Petitions: None**

**6. Special Business: None**

**7. Public Hearing:**

**Application for transfer of a Class A Liquor License to sell beverages**

**under Title 3, Chapter 5 of the General Laws of Rhode Island 1956, and amendments thereto has been made as follows:**

**FROM: Peter J. Furness, Receiver of PyramidRI Inc. d/b/a Liberty Wine & Spirits, in a building owned by Bronco Realty, LLC, for premises located at 1452 Bronco Highway, Harrisville (Assessor's Map 145, Lot No. 14).**

**TO: Solution Specialist Installations, Inc. d/b/a Corkscrew Wine & Spirits, in a building owned by Bronco Realty, LLC, for premises located at 1452 Bronco Highway, Harrisville (Assessor's Map 145, Lot No. 14).**

**NOTES: Notice of the Public Hearing was duly advertised in the Legal Section of the Woonsocket Call on Monday, June 7, 2010 and Monday, June 14, 2010. Notice was sent to all abutting property owners by certified mail, as required by law.**

**A. Report/recommendations**

**a. Building Official**

**b. Chief of Police**

**c. Fire Marshal**

**d. Tax Collector**

**e. Certificate of Insurance in compliance with §8-28 of the Ordinances of the Town of Burrillville**

**f. Certificate of Good Standing from the State Division of Taxation (pending)**

**Timothy F. Kane, Town Solicitor, explained the procedure for the**

**transfer of the license from a receiver. Peter Furness, Esq., explained his role as receiver and further explained the procedure.**

**Vincent Indeglia, Esq., representing Solution Specialist Installations, Inc., introduced Tammy Craven, principal of Solution Specialist Installations, Inc. Mr. Indeglia explained the use of the corporate name and indicated that Ms. Craven understood and would comply with all Class A liquor license rules and regulations. Mr. Indeglia said that the building was in compliance with all requirements. Mr. Indeglia said that the insurance had been secured, in compliance with the ordinance.**

**B. The hearing of all interested parties in regard to the granting of this license. Note: Persons who wish to address the Town Council shall state their name and address.**

**a. Proponents: None**

**b. Opponents: None**

**C. VOTED to close the public hearing.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M.**

**Karmozyn Jr. and Norman C. Mainville.**

#### **D. Town Council Members Comments/Input/Deliberation**

**Councilor Kevin D. Heitke noted that a certificate of Workers' Compensation insurance had been provided prior to the hearing.**

**Timothy F. Kane, Town Solicitor, noted the requirement for a Certificate of Good Standing. Mr. Furness described the process and assured Mr. Kane that certification would be forthcoming.**

**Mr. Kane requested that the applicant file a d/b/a (Fictitious Business Name Statement). Mr. Indeglia indicated that the document would be filed with the Secretary of State's Office. Mr. Indeglia suggested that Solution Specialist Installations, Inc. might change their name.**

**Mr. Kane requested that the insurance binder be corrected to indicate the corporate name. Mr. Indeglia indicated that the correction would be made.**

**E. MOTION to grant the transfer of a Class A Liquor License to sell beverages under Title 3, Chapter 5 of the General Laws of Rhode Island 1956, and amendments thereto as follows:**

**FROM: Peter J. Furness, Receiver of PyramidRI Inc. d/b/a Liberty Wine & Spirits, in a building owned by Bronco Realty, LLC, for premises located at 1452 Bronco Highway, Harrisville (Assessor's**

**Map 145, Lot No. 14).**

**TO: Solution Specialist Installations, Inc. d/b/a Corkscrew Wine & Spirits, in a building owned by Bronco Realty, LLC, for premises located at 1452 Bronco Highway, Harrisville (Assessor's Map 145, Lot 14) subject to corrected insurance binder and proof that the dba had been filed.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**F. VOTED to adjourn the public hearing.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**8. Unfinished Business:**

**10-079 VOTED to open consideration and action on the Charter Review Commission's recommended changes to the Burrillville Town Charter.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**#1 – Recall: proposals that add a provision allowing for voter recall of elected officials. Would prohibit recall in the first six months or the last six months of an elected official’s term.**

**VOTED in favor of proposal #1 from the Charter Review Commission.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke and Norman C. Mainville. Councilors Wallace F. Lees and John M. Karmozyn Jr. voted in opposition.**

**VOTED to amend it (the proposal), that for the end instead of six months it be twelve months.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns**

**and Councilors Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke and Norman C. Mainville. Councilors Wallace F. Lees and John M. Karmozyn Jr. voted in opposition.**

**#2 – Compensation: modify existing charter language concerning compensation of elected officials.**

**Council President Nancy F. Binns noted that the matter had been addressed by an ordinance adopted on June 9, 2010. Members concurred.**

**#3 – Council to Modify Structure: Proposal would allow the Town Council to modify the existing organizational structure and add language to allow the Council to explore consolidations of services (such as regionalization).**

**There was discussion that the proposal might be too broad and give the Town Council excessive authority, such as the ability to amend the Charter by ordinance.**

**VOTED that this proposal be given to the Solicitor to work on to tighten up the language and for him to bring it back at the next regular Council meeting.**

**Motion by Councilor Nancy F. Binns. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion**



were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**#4 – Approval of Collective Bargaining Agreements:** addition of section which would give the Town Council the right to approve all collective bargaining agreements negotiated by town governmental entities, including the School Department.

There was a recommendation to change the question to cover all contracts rather than collective bargaining agreements. The recommendation was declined.

**VOTED** refer to the Solicitor for language changes; i.e. to put it in the form of a question.

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**#5 – Publication of Ordinances:** To allow for the publication of executive summaries rather than complete ordinances and to allow for notice in publications of general circulation rather than newspapers of general circulation.

**VOTED refer to the Solicitor for language required for the charter.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**#6 – Personnel Board: Modification to the organization of the Personnel Board to explicitly allow the Town Council to reassign duties to a Personnel Department should one be created.**

**VOTED to refer to the Solicitor to draw up language for the ballot.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**#7 – School Committee Selection: The proposal specified the transition from an all elected body to a partially appointed Committee.**

**MOTION that we have the Solicitor draw up a charter change for the School Committee reverting back to five members and partisan.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The motion failed, three in favor, four opposed. Voting in favor of the motion were Councilors Wallace F. Lees, John M. Karmozyn Jr. and Norman C. Mainville. Voting in opposition were Council President Nancy F. Binns and Councilors Robert A. Bishop, Margaret L. Dudley and Kevin D. Heitke.**

**MOTION to table.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. There was no vote taken.**

**VOTED that we pass on this proposal.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville. Voting in opposition was Councilor Margaret L. Dudley.**

**#8 – Prohibitions: addition of language to Section 19.09 prohibiting discrimination on the basis of sex, sexual orientation or gender identity.**

**VOTED to forward to the Town Solicitor.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**#10 Voter Registration for Boards & Commissions: Would require members of all boards and commissions be registered voters.**

**VOTED to send to the Solicitor.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**10-157 VOTED to adopt a resolution designating the corner of Laurel Hill Avenue and Church Street, Bridgeton, as Bicentennial Park.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop.**

**The motion was withdrawn by Councilor Mainville to allow Councilor**

**Bishop the privilege of making the motion.**

**Motion by Councilor Robert A. Bishop. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

## **9. New Business:**

**10-161 Correspondence from Jeff McCormick, Director of Public Works & Engineering Services and John P. Mainville, Finance Director, regarding their recommendations to award bids.**

**VOTED to award the Warner Lane bridge replacement to J.H. Lynch & Sons in the amount of \$316,814.70.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**VOTED to award the installation of the pre-cast concrete block gravity retaining wall to J & R Pre-Cast Inc. in the amount of \$39,840.00.**

**Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**VOTED to award the installation of the pre-cast concrete stairs to J & R Pre-Cast Inc. in the amount of \$1,632.00.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**VOTED to award the vinyl privacy fence to United Fence Co. in the amount of \$29,892.00.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**VOTED to award the decorative fence to United Fence Co. in the amount of \$6,062.00**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**VOTED to award the purchase of body armor to First Choice Armor in the amount of \$750.00 per unit.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**Michael C. Wood, Town Manager, described each item for which a bid had been awarded as requested by resident Stephen N. Rawson.**

**10- Consider and act on pending legislation: Legislative status report.**

**VOTED to receive and file and to send letter of thanks to our legislators.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D.**

**Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**10. Town Clerk/Communication:**

**10-162 VOTED to support the resolution of the Richmond Town Council requesting legislation related to repairs/reconstruction of municipally-owned bridges, culverts, and other structures.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**10-163 VOTED to receive and file the correspondence relative to the Town of South Kingstown Town Council's receiving and filing the Burrillville Town Council's resolution requesting repeal of the Motor Vehicle and Trailer Excise Tax Elimination Act of 1998.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**11. VOTED to receive reports #1 through 24:**



- 1. Town Treasurer: Report of May 2010**
- 2. Burrillville Sewer Commission: Report of May 2010; meetings of May 11 & 25, 2010**
- 3. Tax Collector: Report of May 2010**
- 4. Department of Public Works: Report o May 2010**
- 5. Chief of Police: Report of May 2010**
- 6. Office of Building Official: Report of May 2010**
- 7. Animal Control Officer: Report of May 2010**
- 8. Burrillville Housing Authority: Meeting of May 12, 2010**
- 9. Planning Board/Town Planner: No report**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: No report**
- 12. Information Systems Department: Report of June 2010**
- 13. Burrillville Conservation Commission: No report**
- 14. Ordinance Subcommittee: No report**
- 15. Redevelopment Agency: Meeting of April 27, 2010**
- 16. B-PAC: No report**
- 17. Personnel Board: Meeting of May 11, 2010**
- 18. Screening Subcommittee: Meetings of March 15 and April 28, 2010**
- 19. Budget Board: No report**
- 20. Burrillville School Committee: No report**
- 21. Emergency Management Agency: Report of June 16, 2010**
- 22. Public Safety Committee: No report**
- 23. Charter Review Commission: No report**
- 24. Rubbish & Recycling Committee: Meeting of April 26, 2010**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

## **12. Additional Business:**

**10-164 VOTED to open consideration and action on possible adjustments to the resolution adopting the FYE June 30, 2010 Operating Budget.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**Discussion: Michael C. Wood, Town Manager, explained that changed in the current (FY2010) state aid to schools resulted in the necessity of amending the current budget.**

**VOTED that 1) the anticipated State revenue for schools for FYE2010 be reduced by \$385,171 for a total amended anticipated school revenue of \$11,957,165 and 2) the School Department appropriated**

**budget for FYE 2010 be reduced by \$385,171 for a total amended budget appropriation of \$27,312,595.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville.**

**Resident Mary Ryan asked for clarification. There was explanation that the current budget was being adjusted to reflect the reduction in state aid for school operations. The matter was discussed. Councilor Norman C. Mainville moved the question. Council President Nancy F. Binns ruled Ms. Ryan out of order.**

**The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**13. VOTED to adjourn at 8:11 P.M.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.**

**The meeting was recorded.**

**Louise R. Phaneuf, Town Clerk**